

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00159

GUY W. ESCUE, III

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 21, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and the defendant, Guy W. Escue, III, appeared in person and by his counsel, Paul E. Stroebe, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a thirty-three (33) month term of supervised release in this action on March 29, 2019, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 21, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of law in that he unlawfully possessed a controlled substance inasmuch as on May 13, 2019, and July 17, 2019, he tested positive for methamphetamine, and the defendant having admitted to the probation officer on each occasion that he had used the substance; (2) the defendant failed to complete the five month term in a community confinement center and participate in drug abuse counseling and treatment inasmuch as he was terminated from Dismas on May 11, 2019 due to multiple warnings and disciplinary reports after having commenced on March 30, 2019; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

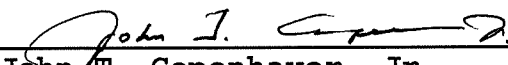
imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-seven (27) months of supervised release upon the same terms and conditions as heretofore and the special conditions that he participate in and successfully complete the residential program at Recovery "U," or a like program approved by the probation officer for the program period of nine (9) to twelve (12) months of the program where he shall follow the rules and regulations of the facility and participate in drug abuse counseling and treatment as directed by the probation officer, and that he commence the program by proceeding directly from his place of incarceration to the residential program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 23, 2019



John T. Copenhaver, Jr.
Senior United States District Judge